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REQUEST FOR CONTINUED EXAMINATION (RCE) **TRANSMITTAL**

Address to: Commissioner for Patents **Box RCE** Washington, DC 20231

of information unless it displays a	
Application Number	09/451,979
Filing Date	November 30, 1999
First Named Inventor	Katsumi Sameshima
Art Unit	2814
Examiner Name	Wai Sing Louie
Attorney Docket Number	362-39 RCE

4,65 100

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

Submission required under 37 CFR §1.114 a. ➤ Previously submitted i. ➤ Consider the amendment(s)/reply under 37 CFR §1.116 previously (Any unentered amendment(s) referred to above will be entered). ii. □ Consider the arguments in the Appeal Brief or Reply Eii. □ Other b. □ Enclosed ii. □ Amendment/Reply iii. □ Information ii. □ Affidavit(s)/Declaration(s) iv. □ Other □ Information iii. □ Affidavit(s)/Declaration(s) iv. □ Other □ Information iii. □ Affidavit(s)/Declaration(s) iv. □ Other □ Information iii. □ Affidavit(s)/Declaration(s) iv. □ Other □ Information Information iii. □ Affidavit(s)/Declaration(s) iv. □ Other □ Information Informati		
 2. Miscellaneous a. ☐ Suspension of action on the above-identified application a period of months (Period of suspension shall not exceed b. ☐ Other 3. Fees The RCE fee under 37 CFR §1.17(e) is required by 37 CFR §1 a. ☒ The Director is hereby authorized to charge the following Deposit Account No. 502335 i. ☒ RCE fee required under 37 CFR §1.17(e) ii. ☒ Extension of time fee (37 CFR §1.136 and 1.17) iii. ☐ Other b. ☐ Check in the amount of \$ enclosed c. ☐ Payment by credit card (Form PTO-2038 enclosed) WARNING: Information on this form may become public be included on this form. Provide credit card information 	114 when the RCE is filed. g fees, or credit any overpayments, to Credit card information should net	
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED		
Name (Print / Type) Gerald T. Bodner	Registration No. (Attorney: Agent) 30,449	
Signature Aprolel T. Loolun	Date April 17,2003	
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TRANSMITTAL LETTER (General - Patent Pending)

Docket No. 392-39 RCE

In Re Application Of: Katsumi Sameshima

Filing Date Examiner Group Art Unit
4. Plaintiff alleges that the County Defendants "unlawfully detained" him
beyond his "maxed out parole." Ex. A¹.

- 6. Plaintiff commenced the instant action in the United States District Court,
 Eastern District of New York by the filing the Complaint on October 20, 2020. Ex. A.
 - 7. On November 6, 2020 the County interposed an answer. **Ex. B.**
- 8. On July 27, 2021, the Court issued an order certifying the case and setting forth a motion schedule. **Electronic Order Issued July 27, 2021.**
- 9. On October 24, 2018, Plaintiff was driving in Nassau County when he was pulled over for several motor-vehicle violations. **Ex. C at p. 1.**
- 10. Plaintiff was remanded to the Nassau County Correctional Center ("NCCC") at arraignment. **Ex C at p. 4**.
- 11. He returned to Court on October 29, 2018 at which time he pled guilty to two of five charges and was sentenced to time served. *Id.* at p. 4.
- 12. Plaintiff was not released from NCCC as of October 29, 2018, however, because there was still a New York State Parole Warrant against him. *Id.* at p. 4-5
- 13. The Parole Board obtained a Temporary Declaration of Delinquency which was retroactive to September 2017 which tolled his Parole. Accordingly, his Parole <u>did not expire</u> on September 24, 2018 as it was initially scheduled to, and Plaintiff owed an additional year following his 2018 arrest. *Id.* at p. 21.

¹ All references to exhibits shall mean the exhibits annexed to the Declaration of Brian M. Libert, Esq.

- 14. The Nassau County Sheriff's Department, Division of Corrections relied upon the records provided by the Parole Board which included, *inter alia*, a signed warrant, indicating that Plaintiff's Parole status was still active. *Id.* at p. 21.
- 15. Under the law, once Parole was notified that Plaintiff was incarcerated, they were required to serve Plaintiff with the appropriate paperwork to execute their Warrant within 3-5 days. See NY Executive Law § 259-i(3) and described further in the accompanying memorandum of law. Parole was unable to do so but never informed NCCC that they were cancelling the warrant. *Id.* at p. 21.
- 16. NCCC records reflect that Plaintiff filed a grievance on November 26, 2018 alleging that he was being held on an expired Parole Warrant. **Ex. C at p. 1**
- 17. NCCC records further reflect that County employees responded to Plaintiff's grievance by informing Drummond that this was an issue which he needed to clarify with Parole. **Ex. C at p. 15.**
- 18. Additionally, the following day -- November 27, 2018 -- NCCC contacted Parole and/or DOCCS and informed them that Plaintiff was still at NCCC and being held solely on the Parole Warrant. **Ex C. at p. 13**
- 19. As a result, Parole prepared the paperwork to cancel their Warrant on November 29, 2018, and the paperwork was signed on November 30, 2018. **Ex. C at p.** 13.